

REMARKS

A. Status of the Claims

Claims 1-20, 22, 23, 40-51, 54-72 and 82-84 were examined prior to issuance of the last Office Action. Independent claims 1, 40, and 54 have been amended to distinguish UK Patent Application GB 2175257 (the 257 Application), and for no other reason. The amendment to claim 16 was necessitated by the amendment to claim 1. The amendment to claim 55 was necessitated by the amendment to claim 54. Claims 8-10, 61, 66 and 67 have been amended to put them into independent form, and no new limitations have been added. Claims 5-7, 11, 14, 56-60, 62-65, 69, 82 and 83 have been canceled to expedite prosecution. Claims 85 and 86 have been added. Thus, upon entry of the requested amendments, claims 1-4, 8-10, 12, 13, 15-20, 22, 23, 40-51, 54, 55, 61, 66-68, 70-72, and 84-86 will be pending.

B. Claims 1-2, 8, 9, 12, 13, 17-20, 40-41, 43-51, 54, 61, 66, 70-71, and 84 Are Patentable over the 257 Application

The Office rejects claims 1-2, 5-9, 11-14, 17-20, 40-41, 43-51, 54-58, 61-66, 69-71, and 82-84 as being anticipated by the 257 Application. Certain of these claims have been canceled. As to the claims that remain, Applicant respectfully traverses.

1. Independent Claim 1

Claim 1 is directed to a system useful in stabilizing a vessel. The vessel includes a first leg, a second leg, a third leg, and a platform coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs. The system includes a first brace coupled to the first leg at a first location along the first brace. The claim has been amended to specify that the first brace is coupled at a second location along the first brace to a

winch driven by a winch motor capable of tensioning the first brace. This amendment was made for the exclusive purpose of distinguishing the 257 Application, and for no other reason.

The 257 Application fails to disclose coupling one of its braces to a winch driven by a winch motor capable of tensioning the first brace. The Office asserts that the 257 Application “discloses winch drive means (22, 23, 24)[.]” This is not necessarily correct. The 257 Application discloses a “reversing wheel 22” and a “clamp” 24. Element 23 is a portion of line 20. [See page 2, lines 48-53]

While there is a possibility that elements 22 and 24 could operate together as a winch, there is no express indication that these structures do so, nor would they necessarily have to operate as a winch. If they did, it would be possible to adjust the tension in line 20 using clamp 24. However, the 257 Application explains that “moving [the platform] a little bit downwardly” is how to tension the “tension resistant connection[] achieved using reversing wheel 22 and clamp 24. [See page 1, lines 88-111; see also claim 8] It is the platform that must be moved to adjust the tension in line 20; clamp 24 is not able to make such an adjustment. Thus, clamp 24 and reversing wheel 22 apparently lack the functionality of a winch. Furthermore, the 257 Application fails to disclose or suggest a winch motor that drives a winch and that is cable of tensioning a brace.

Accordingly, Applicant respectfully requests that the Office withdraw the anticipation rejection of claim 1 and its dependents listed above based on the 257 Application.

2. Independent Claim 8

Original dependent claim 8 has been amended to put it into independent form. No new limitations were added because none were needed to distinguish the 257 Application. Independent claim 8 is directed to a system useful in stabilizing a vessel. The vessel includes a

first leg, a second leg, a third leg, and a platform coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs. The system comprises a first brace that is coupled to the first leg at a first location along the first brace. The first brace forms an acute angle with the first leg. The system also includes an anchoring structure that is coupled to the first brace at a second location along the first brace. The first and second locations along the first brace define a first brace length between them. At least a portion of the first brace length is located directly beneath the platform. One or more racks are secured to the first leg, and the anchoring structure includes a holding rack configured to engage one of the one or more racks.

The 257 Application simply does not disclose an anchoring structure to which a first brace is coupled that includes a holding rack configured to engage one of one or more racks secured to a leg. The Office provides no explanation to the contrary. *See* page 2 of June 2004 Office Action.¹ The 257 Application provides only 4 examples of ways to secure its “chains” or “lines.” The 257 Application describes the first way at page 1, lines 89-96 and at page 2, lines 25-45, and illustrates the same in FIG. 1 with “chain stoppers” 12 pertaining to “chains 8 and 9.” The second example is described at page 1, lines 97-104 and at page 2, lines 48-62, and illustrates that same with clamp 24 pertaining to line 20 in FIG. 1. The third and fourth examples are described at page 1, lines 112-117 and at page 2, lines 63-71, and are illustrated with points 26 and 27 pertaining to line 25 in FIG. 1. Page 1, lines 118-121 reiterates that cable clamps and chain stoppers may be used, as does claim 5.

¹ The Office included claim 8 among those it rejected in the last Office Action based on the 257 Application, but provided no explanation of how the 257 Application discloses, for example, the claimed holding rack. *See* page 2 of June 2004 Office Action. More is needed to establish a proper rejection of claim 8. *See* M.P.E.P. § 707.07(d) (“Where a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of

None of these examples involves a holding rack configured to engage one of one or more racks that are secured to a leg. Thus, claim 8 is not anticipated by the 257 Application, and that rejection should be withdrawn.

3. Independent Claim 9

Original dependent claim 9 has been amended to put it into independent form. No new limitations were added because none were needed to distinguish the 257 Application. Independent claim 9 is directed to a system useful in stabilizing a vessel. The vessel includes a first leg, a second leg, a third leg, and a platform coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs. The system comprises a first brace that is coupled to the first leg at a first location along the first brace. The first brace forms an acute angle with the first leg. The system also includes an anchoring structure that is coupled to the first brace at a second location along the first brace. The first and second locations along the first brace define a first brace length between them. At least a portion of the first brace length is located directly beneath the platform. One or more racks are secured to the first leg, and the anchoring structure includes a ring coupled to the platform, the ring having a holding rack configured to engage one of the one or more racks.

The 257 Application simply does not disclose an anchoring structure to which a first brace is coupled that includes a ring having a holding rack configured to engage one of one or more racks secured to a leg. The Office provides no explanation to the contrary. *See* page 2 of June 2004 Office Action.² The 257 Application provides only 4 examples of ways to secure its

rejection fully and clearly stated A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”) (emphasis added); 37 C.F.R. § 104(c)(2).

² The Office included claim 9 among those it rejected in the last Office Action based on the 257 Application, but provided no explanation of how the 257 Application discloses, for example, the claimed ring. *See* page 2 of June 2004 Office Action. More is needed to establish a proper rejection of claim 9. *See* M.P.E.P. § 707.07(d) (“Where a

“chains” or “lines.” The 257 Application describes the first way at page 1, lines 89-96 and at page 2, lines 25-45, and illustrates the same in FIG. 1 with “chain stoppers” 12 pertaining to “chains 8 and 9.” The second example is described at page 1, lines 97-104 and at page 2, lines 48-62, and illustrates that same with clamp 24 pertaining to line 20 in FIG. 1. The third and fourth examples are described at page 1, lines 112-117 and at page 2, lines 63-71, and are illustrated with points 26 and 27 pertaining to line 25 in FIG. 1. Page 1, lines 118-121 reiterates that cable clamps and chain stoppers may be used, as does claim 5.

None of these examples involves a ring having a holding rack configured to engage one of one or more racks that are secured to a leg. Thus, claim 9 is not anticipated by the 257 Application, and that rejection should be withdrawn.

4. Independent Claim 40

Claim 40 is directed to a vessel. The vessel includes a platform; three legs coupled to the platform such that the platform may be raised or lowered along the three legs; a flexible brace coupled to each of the three legs at a first location along each flexible brace, each flexible brace forming an acute angle with its respective leg; and an anchoring structure coupled to each flexible brace at a second location along each flexible brace, the first and second locations along each flexible brace defining a flexible brace length between them. The claim has been amended to specify that at least one anchoring structure is capable of achieving 40,000 pounds of tension in the flexible brace to which it is coupled. Support for this amendment can be found in the application at page 35, lines 26-27. This amendment was made exclusively to distinguish the 257 Application, and for no other reason.

claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”) (emphasis added); 37 C.F.R. § 104(c)(2).

The 257 Application fails to disclose such an anchoring structure. Therefore, the anticipation rejection of claim 40 and its dependents listed above based on the 257 Application should be withdrawn.

5. Independent Claim 54

Claim 54 is directed to a method useful in stabilizing a vessel that has a platform and three or more legs coupled to the platform such that the platform may be raised or lowered along the legs. The method includes coupling a first brace to one of the legs; orienting the first brace at an acute angle with the leg to which it is coupled; and positioning at least a portion of the first brace directly beneath the platform. This claim has been amended to specify that pinions driven by one or more motors are used for the raising or lowering of the platform, and that the method also includes coupling the first brace to a winch driven by a winch motor, and synchronizing the winch motor with the one or more motors such that tension in the first brace is maintained while raising or lowering the platform. The amendment was made for the sole purpose of distinguishing the 257 Application.

As explained above, the 257 Application does not disclose the use of a winch driven by a winch motor. Furthermore, the 257 Application does not disclose synchronizing a winch motor with the claimed one or more motors such that tension in a brace is maintained while raising or lowering the platform. The Office states that “[i]t would have been considered obvious to one of ordinary skill in the art to modify [the 257 Application] by synchronizing the pinion and winch drive means in order to maintain constant tension on the brace while raising and lower the platform,” but this assertion is a classic hindsight reconstruction of claimed subject matter using Applicant’s specification as a guide. There is no suggestion in the 257 Application for tensioning any lines or chains while raising or lowering pontoon 1. This makes sense because

none of the structures disclosed in the 257 Application are explicitly described as being capable of, or are necessarily inherently capable of, manipulating the chains or lines.

For example, on page 1, the 257 Application discloses moving “the platform a little bit upwardly [or] . . . a little bit downwardly.” Lines 105-111. Using a structure other than the platform to adjust the tension in the lines is not suggested. Even claim 8 on page 3 specifies “the tension members are tensioned by *moving the platform* with respect to the column after the tension members being connected and straightened.” (Emphasis added).

The 257 Application fails to support any motivation for adjusting tension in any of the lines/chains using anything other than platform. None of the structures used to secure the lines chains – i.e., chain clamps and chain stoppers – are explicitly or necessarily inherently configured to have such functionality. In fact, the 257 Application teaches away from the use of such structures because it consistently teaches moving the pontoon itself to achieve tensioning. The 257 Application would not function as intended if it were modified as the Office suggests.

For at least these reasons, claim 54 and its rejected dependents are not anticipated (or rendered obvious) by the 257 Application.

6. Independent Claim 61

Original dependent claim 61 has been amended to put it into independent form. No new limitations were added because none were needed to distinguish the 257 Application. Independent claim 61 is directed to a method useful in stabilizing a vessel. The vessel has a platform, three or more legs coupled to the platform such that the platform may be raised or lowered along the legs, and one or more racks secured to one of the legs. The method includes coupling a first brace to one of the legs and an anchoring structure such that at least a portion of the first brace is positioned directly beneath the platform and the first brace is oriented at an acute

angle with the leg to which it is coupled. The anchoring structure includes a ring coupled to the platform, the ring has a holding rack configured to engage one of the one or more racks, and the first brace is coupled to the ring.

The 257 Application simply does not disclose coupling a brace to an anchoring structure that includes a ring having a holding rack configured to engage one of one or more racks secured to a leg. The Office provides no explanation to the contrary. *See* page 2 of June 2004 Office Action.³ The 257 Application provides only 4 examples of ways to secure its “chains” or “lines.” The 257 Application describes the first way at page 1, lines 89-96 and at page 2, lines 25-45, and illustrates the same in FIG. 1 with “chain stoppers” 12 pertaining to “chains 8 and 9.” The second example is described at page 1, lines 97-104 and at page 2, lines 48-62, and illustrates that same with clamp 24 pertaining to line 20 in FIG. 1. The third and fourth examples are described at page 1, lines 112-117 and at page 2, lines 63-71, and are illustrated with points 26 and 27 pertaining to line 25 in FIG. 1. Page 1, lines 118-121 reiterates that cable clamps and chain stoppers may be used, as does claim 5.

None of these examples involves coupling a brace to an anchoring structure that includes a ring having a holding rack configured to engage one of one or more racks that are secured to a leg. Thus, claim 61 is not anticipated by the 257 Application, and that rejection should be withdrawn.

³ The Office included claim 61 among those it rejected in the last Office Action based on the 257 Application, but provided no explanation of how the 257 Application discloses, for example, the claimed ring. *See* page 2 of June 2004 Office Action. More is needed to establish a proper rejection of claim 61. *See* M.P.E.P. § 707.07(d) (“Where a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”) (emphasis added); 37 C.F.R. § 104(c)(2).

7. Independent Claim 66

Original dependent claim 66 has been amended to put it into independent form. No new limitations were added because none were needed to distinguish the 257 Application. Independent claim 66 is directed to a method useful in stabilizing a vessel. The vessel has a platform, three or more legs coupled to the platform such that the platform may be raised or lowered along the legs. The method includes coupling a first brace to one of the legs; orienting the first brace at an acute angle with the leg to which it is coupled; positioning at least a portion of the first brace directly beneath the platform; and lifting a leg that horizontally shifts in order to restore an earlier position of the leg.

The 257 Application does not disclose lifting a leg that horizontally shifts, as claimed. The Office provides no explanation to the contrary. *See* page 2 of June 2004 Office Action.⁴ The 257 Application discusses the fact that the columns of the pontoon are independently movable (*see, e.g.*, page 1, lines 78-79 and page 2, lines 101-103 (claim 1)). However, nothing in the 257 Application discloses or suggests lifting a leg that has shifted horizontally. Thus, claim 66 is not anticipated by the 257 Application, and that rejection should be withdrawn.

8. Independent Claim 84

Claim 84 is directed to a vessel. The vessel includes a platform; three legs coupled to the platform such that the platform may be raised or lowered along the three legs; a footing structure coupled to an end of one of the legs; and a flexible brace coupled at two different locations to the

⁴ The Office included claim 66 among those it rejected in the last Office Action based on the 257 Application, but provided no explanation of how the 257 Application discloses the claimed lifting. *See* page 2 of June 2004 Office Action. More is needed to establish a proper rejection of claim 66. *See* M.P.E.P. § 707.07(d) (“Where a claim is refused for any reason relating to the merits thereof it should be ‘rejected’ and the ground of rejection fully and clearly stated A plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”) (emphasis added); 37 C.F.R. § 104(c)(2).

leg with the footing structure. The flexible brace forms an acute angle with that leg. One of the two claimed locations is on the footing structure.

The 257 Application does not disclose coupling a brace at two different locations to a leg with a footing structure, where one of the two locations is on the footing structure. The Office provides no explanation to the contrary. *See* page 2 of June 2004 Office Action.⁵ The 257 Application does not disclose any legs that have a footing structure coupled to them, and, moreover, does not disclose coupling a brace at *two different locations* to a leg with a footing structure, where one of those locations is *on the footing structure*. Accordingly, Applicant respectfully requests that this anticipation rejection be withdrawn.

C. Claim 3 Is Patentable over the Asserted Combination of the 275 Application and McGehee

The Office rejects claim 3 as being obvious over the 257 Application in view of McGehee (USPN 4,813,815). Applicant respectfully traverses. Claim 3 is patentable for the same reasons as claim 1. McGehee does not cure the deficiencies of the 257 Application in this regard. Therefore, the rejection should be withdrawn. Applicant does not acquiesce to the Office's asserted motivation for combining the 257 Application with McGehee.

D. Claims 4 and 42 Are Patentable over the Asserted Combination of the 275 Application and Thomas or Hansen

The Office rejects claims 4 and 42 as being obvious over the 257 Application in view of Thomas (USPN 5,224,798) or Hansen (USPN 4,063,426). Applicant respectfully traverses. Claim 4 is patentable for the same reasons as claim 1. Neither Thomas nor Hansen cures the

⁵ The Office included claim 84 among those it rejected in the last Office Action based on the 257 Application, but provided no explanation of how the 257 Application discloses the claimed coupling, where one of the two specified locations is on the footing structure. *See* page 2 of June 2004 Office Action. More is needed to establish a proper rejection of claim 84. *See* M.P.E.P. § 707.07(d) ("Where a claim is refused for any reason relating to the merits thereof it should be 'rejected' and the ground of rejection fully and clearly stated A plurality of claims should

deficiencies of the 257 Application in this regard. Similarly, claim 42 is patentable for the same reasons as claim 41. Neither Thomas nor Hansen cures the deficiencies of the 257 Application in this regard. Therefore, the rejection of these two claims should be withdrawn. Applicant does not acquiesce to the Office's asserted motivation for combining the 257 Application with Thomas or Hansen.

E. Claims 10 and 67-68 Are Patentable over the Asserted Combination of the 275 Application and Kiyomiya

The Office rejects claims 10 and 67-68 as being obvious over the 257 Application in view of Kiyomiya (USPN 5,385,432). Applicant respectfully traverses.

1. Independent Claim 10

Original dependent claim 10 has been amended to put it into independent form. No new limitations were added because none were needed to distinguish the 257 Application in combination with Kiyomiya. Independent claim 10 is directed to a system useful in stabilizing a vessel. The vessel includes a first leg, a second leg, a third leg, and a platform coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs. The system comprises a rigid first brace that is coupled to the first leg at a first location along the rigid first brace. The rigid first brace forms an acute angle with the first leg. The system also includes an anchoring structure that is coupled to the rigid first brace at a second location along the rigid first brace. The first and second locations along the rigid first brace define a first brace length between them. At least a portion of the first brace length is located directly beneath the platform.

never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group.”) (emphasis added); 37 C.F.R. § 104(c)(2).

The Office admits that the 257 Application fails to teach or suggest a rigid first brace. Nevertheless, the Office asserts that it would have been obvious to make one of the chains or lines of the 257 Application rigid as purportedly taught by Kiyomiya “in order to be able to more effectively resist lateral forces.”

There is no way to use a rigid brace with the device disclosed in the 257 Application without changing the principle of operation of the 257 Application device. All the lines/chains disclosed in the 257 Application are flexible, and must be flexible in order to achieve the “tension resistant connections” described and shown in the 257 Application. The chain stopper connection of chains 8 and 9, and the cable clamp connection of line 20 each require flexibility, and simply would not work with the rigid structure disclosed in Kiyomiya. Furthermore, while the 257 Application discloses connecting line 25 directly to another column at point 26, it specifies in both cases where that connection is discussed that line 25 *is also* capable of being extended upwards and connected *above deck* (at 27 in FIG. 1), which requires flexibility. Thus, all the connections disclosed and shown require flexibility.

Furthermore, Applicant submits that Kiyomiya is not analogous art to the subject matter of claim 10. The determination of whether a reference is from a non-analogous art involves the two-step test from *In re Wood*, 599 F.2d 1032 (CCPA 1979); *see also* MPEP § 2141.01(a) at pages 2100-117 – 2100-120. The first step is whether “the reference is within the field of the inventor’s endeavor.” 599 F.2d at 1036. Kiyomiya deals with water area structures for discharge such as a shore-bridge and a jetty, a bulkhead structure, a breakwater structure, a dike structure, and the like, not systems useful in stabilizing *vessels*. Therefore, Kiyomiya is not within Applicant’s field of endeavor.

If the first prong of the test is not met, one must “determine whether the reference is reasonably pertinent to the particular problem with which the inventor was involved.” *In re Wood*, 599 F.2d at 1036. The problem facing the inventor pertained to the stabilization of vessels, which took the form of bracing the retractable and extendable legs of a vessel. The legs of the water area structures disclosed in Kiyomiya are not retractable or extendable, and Kiyomiya does not disclose any vessels. Kiyomiya simply has nothing to do with vessel stabilization. As a result, there is no reason for one skilled in the art that is concerned with vessel stabilization to look to a patent that is unrelated to vessels. The two have nothing to do with each other. *See In re Clay*, 966 F.2d 656, 660 (Fed. Cir. 1992) (reversing Board’s decision and noting that subject matter of nonanalogous reference “is not structurally similar to, does not operate under the same temperature and pressure as, and does not function like” applicant’s invention); *see also In re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992) (“We have reminded ourselves and the PTO that it is necessary to consider ‘the reality of the circumstances’ – in other words, **common sense** – in deciding in which fields a person of ordinary skill would be reasonably expected to look for a solution to the problem facing the inventor.”) (citation omitted; emphasis added).

For at least these reasons, claim 10 is patentable over the asserted combination of the 257 Application and Kiyomiya.

2. Independent Claim 67

Original dependent claim 67 has been amended to put it into independent form. No new limitations were added because none were needed to distinguish the 257 Application in combination with Kiyomiya. Independent claim 67 is directed to a method useful in stabilizing a vessel. The vessel includes a platform and three or more legs coupled to the platform such that

the platform may be raised or lowered along the legs. The method includes coupling a first brace to one of the legs; orienting the first brace at an acute angle with the leg to which it is coupled; and positioning at least a portion of the first brace directly beneath the platform. The first brace is rigid.

Claim 67 is patentable for the same reasons as claim 10. Therefore, the rejection of claim 67 and dependent claim 68 should be withdrawn.

F. New Claims 85 and 86 Are Patentable

New claim 85 is directed to a system useful in stabilizing a vessel. The vessel includes a first leg, a second leg, a third leg, and a platform coupled to the first, second, and third legs such that the platform may be raised or lowered along the first, second and third legs. The system comprises a brace coupled to each leg such that each brace forms an acute angle with the leg to which it is coupled and a least a portion of each brace is located directly beneath the platform; and an anchoring structure coupled to each brace. Each anchoring structure is configured to apply tension to the brace to which it is coupled such that each brace can be tensioned independently of the other braces. None of the cited references disclose or suggest coupling an anchoring structure with the claimed capability to each leg. The 257 Application completely fails to address the issue of tensioning its lines and chains independently; they are always tensioned together by raising the platform “a little bit upwardly” or “a little bit downwardly.” See page 1, lines 105-111 and claim 8.

New claim 86 is directed to a method useful in stabilizing a vessel. The vessel has a platform and three or more legs coupled to the platform such that platform may be raised or lowered along the legs. The method comprises coupling a brace to each leg such that each brace forms an acute angle with the leg to which it is coupled and a least a portion of each brace is

located directly beneath the platform; and coupling each brace to an anchoring structure that is configured to apply tension to the brace to which it is coupled such that each brace can be tensioned independently of the other braces. Again, none of the cited references disclose or suggest coupling an anchoring structure with the claimed capability to each leg. The 257 Application completely fails to address the issue of tensioning its lines and chains independently; they are always tensioned together by raising the platform “a little bit upwardly” or “a little bit downwardly.” See page 1, lines 105-111 and claim 8.

Applicant’s use of the “can be tensioned” language in new claims 85 and 86 is definite. The case of *In re Venezia*, 530 F.2d 956 (CCPA 1976) explains this. In that case, the Board affirmed an examiner’s indefiniteness rejection of several claims that included the phrase “may be” on grounds that the claims were “directed to an assembly to take place in the future. No present positive structural relationships are recited.” *Id.* at 958. The Federal Circuit’s predecessor court reversed, and specifically addressed the fact that one of the claims included the criticized language “may be slideably positioned.” *Id.* at 958-59. The court explained that this and similar language “defines present structures or attributes of the part of the ‘kit’ identified as the housing, which limits the structure of the housing to those configurations which allow for the completed connector assembly desired[.]” and found “nothing wrong” with the language. *Id.* (emphasis added). The same logic applies to how the “can be tensioned” language should be interpreted.

G. Arguments Reserved for Dependent Claims

Each of the present dependent claims is patentable over the cited art for at least the reasons that their respective independent claims are patentable. Applicants reserve the right to provide additional arguments in support of the patentability of the present dependent claims

should doing so become necessary. Applicants do not acquiesce to any of the Office's arguments or statements concerning the patentability of the present dependent claims.

H. Petition for Extension of Time

Pursuant to 37 C.F.R. § 1.136(a), Applicant petitions for an extension of time of three months up to and including December 9, 2004 in which to respond to the Office Action mailed June 9, 2004. Should the small-entity check for this extension of time be missing, or should any other fees be required, the Commissioner is authorized to deduct the appropriate fees required for any reason relating to the enclosed materials from Fulbright & Jaworski Deposit Account No.: 50-1212/DGSN:002US/MTG.

I. Conclusion

These remarks fully respond to all outstanding matters for this application. Applicant respectfully requests that the Office withdraw the current rejections and allow pending claims 1-4, 8-10, 12, 13, 15-20, 22, 23, 40-51, 54, 55, 61, 66-68, 70-72, and 84-86. Should the Examiner desire to discuss this application in more detail by telephone, or if any additional concerns remain, the undersigned attorney may be reached at 512-536-3031 (voice), 512-536-4598 (fax), or by email at *mgarrett@fulbright.com*.

Respectfully submitted,



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